

REMARKS

Claim 6 has been cancelled without prejudice or disclaimer. No new matter has been introduced. Twenty-one (21) claims are pending and remain for consideration. Reconsideration of the pending claims and further examination of the application is respectfully requested.

35 U.S.C. § 112

Claim 6 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 6 has been cancelled, without prejudice or disclaimer, to present the application in better condition for appeal.

35 U.S.C. § 102

Claims 1-23 are rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. EP 0890470, to Sawamoto et al. This rejection is respectfully traversed.

Claim 1 recites a first data processing apparatus configured to **predict** a target lane in which a host vehicle will be located when it has traveled along a projected path by a distance to the target vehicle.

Sawamoto does not disclose data processing apparatus as recited in Claim 1. Instead, Sawamoto discloses a lane change detector that detects whether a lane change is **currently occurring** (see Applicants' arguments on pages 9 through 14 in the Amendment filed November 27, 2006 and on pages 9 through 11 in the Request for Reconsideration filed May 23, 2007).

Applicants wish to reiterate that Claim 1 recites a target lane that is a **prediction** of which lane the host vehicle will be located when it has traveled by a distance to a target vehicle along a projected path. This target lane is **compared** to the position of the target vehicle. In Sawamoto, no special consideration is paid to a host vehicle having traveled along a projected path by a distance to a target vehicle.

Sawamoto does not **predict** a target lane, as recited in Claim 1. Sawamoto discloses a

target lane but the target lane is that in which a host vehicle is **instantaneously** changing. It is not a **prediction** of a lane in which a host vehicle will be located when it has travelled along a projected path by a distance to a target vehicle. Therefore, Sawamoto does not disclose the **prediction** of a target lane, as recited in Claim 1. It follows that Sawamoto does not disclose the **comparison** of a position of a target lane with a position of a target vehicle, also as recited in Claim 1.

Since elements of Claim 1, from which all of the other claims depend (directly or indirectly), ~~is~~ not taught by the Sawamoto (the only currently applied reference) there is an omission of an essential element required to establish a *prima facie* rejection of all pending claims under 35 U.S.C. § 102. Therefore, the claims are allowable over Sawamoto. Favorable reconsideration of the claims is respectfully requested.

CONCLUSION

In view of the foregoing remarks, it is believed that the Application is in condition for Allowance. Accordingly, a timely Notice of Allowance is respectfully requested.

Respectfully submitted,

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